



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,581	03/20/2006	Karl Ruhland	RUHLAND2	2874
1444 7590 06/23/2010 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303				
EXAMINER				
DENTER, CLARK F				
ART UNIT		PAPER NUMBER		
3724				
MAIL DATE		DELIVERY MODE		
06/23/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/572,581

**Applicant(s)**

RUHLAND ET AL.

**Examiner**

Clark F. Dexter

**Art Unit**

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2010.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,7-9 and 11-15 is/are pending in the application.  
4a) Of the above claim(s) 2,3,8,9 and 13 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,4,5,7,11,12,14 and 15 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 29 March 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 19, 2010 has been entered.

### ***Claim Rejections - 35 USC § 112, 2<sup>nd</sup> paragraph***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 4, 5, 7, 11, 12, 14 and 15 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 24, "the shell" remains vague as to which one.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 7, 11, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Publication 22 25 152 (hereafter GP '152) in view of any one or all of Boutelle, 1,539,826, Grace, pn 2,485,280, Crispell, pn 3,876,318, Miller, pn 4,397,484, Thummel et al., pn 5,299,375, and/or Brian, pn 5,997,012.

**Regarding claims 1, 11, 14 and 15**, GP '152 discloses a device with almost every structural limitation of the claimed invention including:

a blade shaft (e.g., 1) which has at least one circular blade (e.g., 7), a brush roll (e.g., 9), the brush roll possessing shells (e.g., see Fig. 7) disposed on a roll core (e.g., 2, 10) and having bristles (e.g., 91, 92), torque-transmitting means and fastening means, **but lacks:**

[from claim 1] wherein fastening pin comprises two threaded portions of different pitches; and

[from claim 11] fastening means for fixing the basic structure to the roll core, wherein the fastening means is a fastening pin comprising two threaded portions of different pitches; and

receiving means as through holes comprising two threaded portions of different pitches for associating with the fastening pin;

[claim 14] wherein a first of the threaded portions of the fastening pin fitting inside the threaded hole on the shell, and a second of the threaded portions of the fastening pin fitting inside the threaded hole on the roll core, and the second threaded portion of the fastening pin has a larger pitch than the pitch of the first threaded portion of the fastening pin;

[claim 15 (from 14)] wherein the second threaded portion of the fastening pin is of a larger diameter than the first threaded portion of the fastening pin.

However, the Examiner maintains the taking of Official notice that such fastening means configurations including different pitch and size fasteners as well as receiving holes are old and well known in the art and provide various well known benefits including adjustment benefits. Several examples of such configurations are provided to demonstrate that the claimed fastening means configuration is old and well known in the art as well as across various disciplines. It is noted that the Examiner is confident that many more examples can be found and provided. For example, Grace (e.g., see the paragraph bridging columns 2-3) and Miller each discloses an example of such a fastening means configuration to couple two structures together. Boutelle, Crispell and Brian each discloses an example of such a fastening means configuration to couple two

ends of a clamp together. Thummel (e.g., see Fig. 10) provides an example of the use of such fastening means and how widely known it is. Therefore, it is respectfully maintained that it would have been obvious to one having ordinary skill in the art to provide such a fastening means configuration such as those taught by the above described teaching references on the device of GP '152 to gain the well known benefits including those described above.

**Regarding claim 7**, GP '152 discloses a device with every structural limitation of the claimed invention including first and second fastening means.

**In the alternative**, if it is argued that there is no disclosure of such fastening means, the Examiner takes Official notice that such fastening means are old and well known in the art and provide various well known benefits including further stabilizing assembled components. Therefore, it would have been obvious to one having ordinary skill in the art to provide such first and second fastening means as additional fastening means on the device of GP '152 to gain the well known benefits including that described above.

6. Claims 4, 5 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over German Publication 22 25 152 (hereafter GP '152) in view of Clark, pn 3,942,210 and/or Cherry, pn 2,360,826 and/or Parr, pn 3,405,751 and/or Heine, pn 4,661,031 and further in view of Sauer, pn 3,285,642.

The combination teaches a device with almost every structural limitation of the claimed invention but lacks annular ribs and corresponding ring grooves. However, such structure is old and well known in the art and provides known benefits including

facilitating non-rotationally connecting a shell to a core. Sauer discloses at least one of many known examples. Therefore, it would have been obvious to one having ordinary skill in the art to provide such rib and ring groove structure on the device of GP '152 to gain the well known benefits including that described above.

### ***Response to Arguments***

7. Applicant's arguments filed April 19, 2010 have been fully considered but they are not persuasive. Further, applicant's declaration filed on April 19, 2010 has been carefully considered but is not persuasive, particularly in view of the Examiner's previously held position and the newly cited evidence/prior art.

In general, applicant has provided several arguments, both in the response as well as in the declaration, as to how applicant's invention is different from and non-obvious over the prior art. However, the Examiner respectfully submits that regarding the claimed invention, the distinguishing feature comes down to the fastening means configuration (i.e., regarding claim 1 and the corresponding dependent claims). The Examiner respectfully maintains that to simply replace the fastening means of GP '152 with the claimed fastening means configuration, which has been demonstrated as old and well known, would be an obvious modification to one having ordinary skill in the art and that such a modification would be done to gain the well known benefits including those taught by the newly-cited teaching references.

**Conclusion**

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/  
Primary Examiner, Art Unit 3724**

cfd  
June 20, 2010